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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,216	06/16/2006	Harald Fink	03-H36US	7714
7590 10/13/2010				
Michael M Rickin ABB Legal Dept 4U6 29801 Euclid Avenue Wickliffe, OH 44092-1832			EXAMINER FISHMAN, MARINA	
			ART UNIT 2833	PAPER NUMBER
			MAIL DATE 10/13/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/583,216

Applicant(s)

FINK ET AL.

Examiner

Marina Fishman

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

General status

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/22/2010 has been entered. Claims 8 - 11 are pending in the case and are being examined.

Claim Objections

2. Claim 8 is objected to because of the following informalities: Claim 8, lines 5 and 6, recites "a three-position vacuum switching chamber", the recitation should be changed to —a vacuum switching chamber—(the chamber does not have "three positions"; it is the switch which has "three positions"). Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonken [US 3,812,314] in view of Renz et al. [6,720,515].

Nonken discloses a medium-voltage switchgear assembly comprising: an enclosure [3, Figure 1; 1a', 16, Figure 3] filled with an insulating gas [column 7, lines 45-51]; and a bushing [1b] extending through the enclosure such that an interior portion of the bushing is disposed inside the enclosure with the insulating gas and an exterior portion of the bushing is disposed outside the enclosure, the bushing comprising a [three-position] vacuum switching chamber.

Nonken discloses the instant claimed invention except for a conductive edge board connected to and extending radially outward from the switching chamber, the edge board being connected to a wall of the enclosure and having a seal that engages an outer surface of the wall to form a gas tight seal therewith, the connection of the edge board to the wall forming a ground point for the switching chamber. Renz et al. discloses a switchgear with a three position switch and having a conductive edge board [15] connected to and extending radially outward from the switching chamber, the edge board being connected to a wall of the enclosure and having a seal that engages an outer surface of the wall to form a gas tight seal therewith, the connection of the edge board to the wall forming a ground point for the switching chamber. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a conductive edge board extending radially outward and forming a ground point in Nonken as suggested by Renz et al. in order to have a ground switch formed within the vacuum chamber.

Regarding Claim 9, Nonken and Renz et al. disclose the switchgear assembly, wherein the bushing [1a, Nonken Figure 1] has a cast-resin body that encapsulates the

switching chamber. Regarding Claim 10, Nonken and Renz et al. disclose the switchgear assembly, wherein the switching chamber comprises a three-position switch [Renz] enclosed in a vacuum insulated housing having a metal center portion [not numbered, Renz Figure 1] disposed between ceramic end portions [10, 11], the center portion being connected to the edge board. Regarding Claim 11, Nonken and Renz et al. disclose the switchgear assembly, wherein the switch comprises a moving contact [9, Nonken] and a fixed contact [8], the fixed contact being disposed in the interior portion of the bushing.

Response to Arguments

5. Applicant's arguments with respect to claims 1 - 5 have been considered but are moot in view of the new ground of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is (571)272-1991. The examiner can normally be reached on 5:30 - 4:00 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee S. Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marina Fishman/
Examiner, Art Unit 2833
October 4, 2010

/renee luebke/
Renee Luebke
Supervisory Patent Examiner
AU 2833